

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69462 of 2024

Arising Out of PS. Case No.-709 Year-2024 Thana- Excise P.S. District- Aurangabad

Vikash Kumar S/o Krishna Rikyashan @ Krishna Dev Ram R/o vill -
Madanpur Ghorhat More, P.S. - Madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari

For the Opposite Party/s : Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Aurangabad Excise Sadar P.S. Case No. 709 of 2024 for the offence punishable under sections 30(a), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise Act lodged on 23.07.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the informant alleged that he received information that accused Sonu Kumar/Surendra Chauhan are keeping liquor for delivery in the house of this petitioner, reached the spot and apprehended this petitioner and 810 liters of spirit recovered/seized. This petitioner gave the name of Sonu Kumar to be the owner of the said spirit. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that it has been recovered/seized from below the asbestos sheet and not from his house, it is a common place and he do not have criminal



antecedent despite that the police implicated and is in custody since 23.07.2024 (paragraph no.17 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner on its own would like to contribute Rs.15,000/- to the District Legal Services Authority, Aurangabad (exclusively for the purchase of the journals) through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the 'NAZARAT' of concerned Court.

5. Learned APP opposed the prayer submitting that it has been recovered from the asbestos room though, it has been attributed to Sonu Kumar.

6. Taking into account the aforesaid submissions as also the facts that nothing has been recovered from his conscious rather from a common place (asbestos room), this petitioner do not have criminal antecedent and he is in custody since 23.07.2024, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 15,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Aurangabad (exclusively for the purchase of the journals) by Demand Draft of local State Bank of India and the receipt has to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise 2nd, Aurangabad, in connection with Aurangabad Excise Sadar P.S. Case No. 709 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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